

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| United States of America, | : | |
| Plaintiff | : | Case No. 2:05-cv-637 |
| v. | : | Judge Marbley |
| Barbara Blubaugh, <i>et al.</i> , | : | Magistrate Judge Abel |
| Defendants | : | |

Order

This matter is before the Court on Magistrate Judge Abel's March 6, 2007 Report and Recommendation that plaintiff, United States of America's, January 30, 2007 motion for default judgment and injunctive relief (doc. 24) be granted. No objections to the Report and Recommendation have been filed.

Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. Plaintiff United States of America's January 30, 2007 motion for default judgment and injunctive relief (doc. 24) is GRANTED. Defendants Barbara Blubaugh, Unknown Spouse, if any, of Barbara Blubaugh, and Blubaugh Oil Company are ORDERED to remove the following structures which are encroaching plaintiff's flowage easement rights by April 20, 2007:

1. Structure No. 569—an oil storage tank;
2. Structure No. 570—an oil storage tank; and,
3. Structure No. 571—a separator.

Further, defendants are permanently ENJOINED from locating structures or any other obstructions that are in violation of plaintiff's flowage easement rights, or acquiescing in, or consenting to such location, on 16706 Brinkhaven Road, Brinkhaven, Ohio 43006 and further identified as Tract Nos. MKW-120-D and MKW-283 at Mohawk Dam, Ohio below 890 feet mean sea level.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon M. Marbley
United States District Judge